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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,470	01/06/2004	Yusuke Ishihara	Q79189	2344

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WASHINGTON, DC 20037

EXAMINER

HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,470

Applicant(s)

ISHIHARA ET AL.

Examiner

Scott Haugland

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/6/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "thinned" in claim 1, line 15 is a relative term and implies a comparison with some other structure. Since that other structure is not specified in the claim, the metes and bounds of the claim cannot be determined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (European Patent Application No. 0 926 675) in view of Del Genio et al (U.S. Pat. No. 6,034,850) and the admitted prior art of Fig. 7A and page 17, line 18 - page 18, line 17 of the specification

Morita discloses a magnetic tape cartridge comprising a cartridge case formed by fastening upper and lower cases together and having a tape leader opening, a single tape reel holding magnetic tape, a tape leader pin detachably held in an upright state between the upper and lower cases. The tape leader pin has axially opposite flanges.

Morita does not disclose that the upper and lower cases are made of synthetic resin, that the magnetic tape is 14 mm wide, or that the tape leader pin is 18.7 mm long.

Del Genio et al teaches forming cartridge cases of synthetic resin.

The admitted prior art teaches providing a tape cartridge with magnetic tape having a width of 14 mm and a leader pin having a length of 19.46 mm.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the upper and lower cases of Morita of synthetic resin as taught by Del Genio et al to form an inexpensive, non-magnetic housing for the magnetic tape.

It would have been further obvious to provide the tape cartridge of Morita with a tape having a width of 14 mm as taught by the admitted prior art to enable use of the cartridge of Morita with readers designed for a conventional magnetic tape. It would have been a matter of obvious engineering choice to make the leader pin 18.7 mm long since it would have been within the level of skill of an ordinary artisan to determine the optimal leader pin length using routine experimentation.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Del Genio et al and the admitted prior art as applied to claim 1 above, and further in view of Martin et al (U.S. Pat. No. 5,868,338).

Morita does not disclose U-shaped clips for fastening the upper and lower cases together.

Martin et al teaches connecting upper and lower cases of a cartridge together using U-shaped clips 112 (Fig. 2) or 118 (Fig. 8) located near a tape leader opening.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Morita with a U-shaped clip near a tape leader opening for connecting the upper and lower cases as taught by Martin et al to facilitate assembly of the cartridge.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Tanaka et al (U.S. Pat. No. 5,180,118).

Morita is described above.

Morita does not disclose that the upper and lower cases are made of synthetic resin or that there is a metal reinforcing member embedded in one of the cases.

Tanaka et al teaches forming a tape cartridge case by fastening upper and lower cases 1 (Figs. 6-8) of a main body 10 of synthetic resin (col. 7, lines 44-45) together. Tanaka et al teaches providing the tape cartridge case with embedded reinforcement members 2, 4, 26, 28 forming an outermost surface of the cartridge case that provide the cartridge case with rigidity and have a low coefficient of friction (col. 7, lines 37-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the upper and lower cases of Morita of synthetic resin and provide it with embedded reinforcement members forming an outer surface of the cases as taught by Tanaka et al to provide a cartridge having high rigidity and having low friction surfaces for contact with tape recording devices. It would have been further obvious to make the reinforcement members of metal since an ordinary artisan would have known that metals would provide the disclosed properties of high rigidity and low friction coefficient and since the hatching of the reinforcement members 2, 4 in Figs. 6-8 of Tanaka et al indicates a metal.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita in view of Tanaka et al as applied to claim 4 above, and further in view of Martin et al.

Morita does not disclose U-shaped clips for fastening the upper and lower cases together.

Martin et al teaches connecting upper and lower cases of a cartridge together using U-shaped clips 112 (Fig. 2) or 118 (Fig. 8) located near a tape leader opening.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Morita with a U-shaped clip near a tape leader opening for connecting the upper and lower cases as taught by Martin et al to facilitate assembly of the cartridge.

Art Unit: 3654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


sjh

6/22/05



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